

No.

CR - 08 00471 JW

**PVT
FILED**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

E-FILING

SAN JOSE DIVISION

RICHARD W. WIEKING
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

CUI YING TONG

INDICTMENT

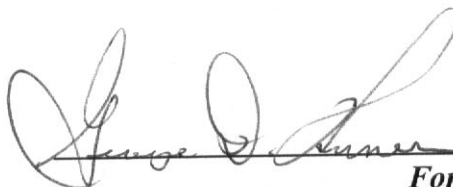
COUNTS ONE-FIVE:

18 U.S.C. § 2320(a) - Trafficking in Counterfeit Goods

COUNTS SIX-TWENTY:

18 U.S.C. § 2320(a) - Attempted Trafficking in Counterfeit Goods

A true bill.



Foreperson

Filed in open court this 16 day of July

A.D. 2008

[Signature]
United States Magistrate Judge

12 JW
Bail. \$ Summons for 8/7/08 at 9:30 (PVT)

DOCUMENT NO.	CSA's INITIALS
1	
DISTRICT COURT CRIMINAL CASE PROCESSING	

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

FILED

2008 JUL 16 P 4:19

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.

E-FILING

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CR-08 00471

JW
PVT

UNITED STATES OF AMERICA,

No.

Plaintiff,

VIOLATIONS: 18 U.S.C. § 2320(a) -
Trafficking and Attempted Trafficking in
Counterfeit Goods; 18 U.S.C. §
2320(b)(3)(A)(iii) - Criminal Forfeiture

v.

CUI YING TONG,

Defendant.

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNTS ONE THROUGH FIVE: (18 U.S.C. § 2320(a) - Trafficking in Counterfeit Goods)

On or about October 1, 2005, in the Northern District of California, the defendant,

CUI YING TONG,

did intentionally traffic and attempt to traffic in goods, to wit, by offering counterfeit
trademarked merchandise, including handbags, for sale at the DeAnza Flea Market in Cupertino,
California, and did knowingly use counterfeit marks on and in connection with such goods, to
wit, "Louis Vuitton" and "Burberry," among others, which counterfeit marks were identical with
and substantially indistinguishable from genuine marks in use and registered for those goods on
the principal register in the United States Patent and Trademark Office, and the use of which
marks was likely to cause confusion, and to cause mistake, as set forth in each of Counts One

INDICTMENT

through Five, below:

COUNT	COUNTERFEIT ITEM
One	Burberry Purse
Two	Brown Louis Vuitton Briefcase
Three	Black Louis Vuitton Handbag
Four	Multi-Colored Louis Vuitton Handbag
Five	Pink Louis Vuitton Handbag

All in violation of Title 18, United States Code, Section 2320(a).

COUNTS SIX THROUGH TWENTY: (18 U.S.C. § 2320(a) - Attempted Trafficking in Counterfeit Goods)

On or about March 22, 2006, in the Northern District of California, the defendant,
CUI YING TONG,

did intentionally attempt to traffic in goods, to wit, by possessing with intent to traffic counterfeit trademarked merchandise contained in her Toyota Sienna van, California license plate number 5LVB130, in San Francisco, California, and did knowingly use counterfeit marks on and in connection with such goods, to wit, "Louis Vuitton," "Prada," and "Chanel," among others, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of which marks was likely to cause confusion, and to cause mistake, as set forth in each of Counts Six through Twenty, below:

COUNT	COUNTERFEIT ITEM
Six	Bebe Shirt
Seven	Burberry Handbag
Eight	Chanel Handbag
Nine	Christian Dior Handbag
Ten	Coach Handbag
Eleven	Dolce & Gabbana Shirt
Twelve	Fendi Wallet

COUNT	COUNTERFEIT ITEM
Thirteen	Gucci Sunglasses
Fourteen	Gucci Pair of Shoes
Fifteen	Gucci Belt
Sixteen	Louis Vuitton Handbag
Seventeen	Louis Vuitton Watch
Eighteen	Louis Vuitton Scarf
Nineteen	Omega Watch
Twenty	Versace Sunglasses

All in violation of Title 18, United States Code, Section 2320(a).

FORFEITURE ALLEGATION: (18 U.S.C. § 2320(b)(3)(A)(iii) - Criminal Forfeiture)

1. The allegations contained in Counts One through Twenty of this Indictment are hereby realleged and by this reference fully incorporated here for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 2320(b)(3)(A)(iii).

2. Upon conviction of any of the offenses alleged in Counts One through Twenty of this Indictment, the defendant,

CUI YING TONG,

shall forfeit to the United States, pursuant to 18 U.S.C. § 2320(b)(3)(A)(iii), any article that bears or consists of a counterfeit mark used in committing the offense, including but not limited to the counterfeit items seized on March 22, 2006 from the defendant's Toyota Sienna minivan bearing California license plate number 5LVB130.

DATED: 7/16/08

A TRUE BILL.

FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney

MATTHEW A. PARRELLA
Chief, San Jose Branch Office

(Approved as to form: Susan Knight)

INDICTMENT

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

Counts 1-5: 18 U.S.C. § 2320(a) - Trafficking in Counterfeit Goods

Counts 6-20: 18 U.S.C. § 2320(a) - Attempted Trafficking in Counterfeit Goods

Criminal Forfeiture, 18 U.S.C. § 2320(b)(3)(A)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**

Cts 1-20: 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

E-FILED**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

ICE - SA Tony Gregory

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Susan Knight

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

2008 JUL 16 P 4:19

CUI YING TONG

RICHARD W. WIEKING

CLERK

DISTRICT COURT NUMBER
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.**CR-08 00471****JW****PVT****DEFENDANT****IS NOT IN CUSTODY**1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filed

Month/Day/Year

**DATE OF
ARREST**

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

c/o Peter Johnson, Attorney at Law
319 Railroad Avenue
Pittsburg, CA 94565

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: August 7, 2008 at 9:30am

Before Judge: Magistrate Judge Trumbull

Comments: _____